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In the Supreme Court of the United States

OCTOBER TERM, 1937

No. —

NATIONAL LABOR RELATIONS BOARD, PETITIONER

v.

PENNSYLVANIA GREYHOUND LINES, INC., AND GREYHOUND MANAGEMENT COMPANY

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE THIRD CIRCUIT

The Solicitor General, on behalf of the National Labor Relations Board, prays that a writ of certiorari issue to review so much of the judgment of the United States Circuit Court of Appeals for the Third Circuit, entered in the above cause on June 15, 1937 (R. —), as denies in part the petition of the National Labor Relations Board for the enforcement of its order against the Pennsylvania Greyhound Lines, Inc., and the Greyhound Management Company made pursuant to the National Labor Relations Act.

OPINIONS BELOW

The findings of fact and the order of the National Labor Relations Board are reported in 1 N. L. R. B. 1, and may also be found at pp. 16–58 of the record. The order is reprinted in full in the Appendix to this petition (*infra*, p. 22). The opinion of the Circuit Court of Appeals (R. —) is not yet reported.

JURISDICTION

The judgment of the Circuit Court of Appeals was entered June 15, 1937 (R. —). The jurisdiction of this Court is invoked under Section 240 (a) of the Judicial Code as amended by the Act of February 13, 1925, and Section 10 (e) of the National Labor Relations Act.

QUESTION PRESENTED

Whether—upon a finding that respondents instituted, formed, and sponsored a labor organization of their employees, dominated and interfered with its administration, and contributed financial and other support to it, contrary to Section 8 (2) of the National Labor Relations Act—the National Labor Relations Board has the power under said Act, in addition to ordering respondents to cease and desist from such interference, to order respondents (a) to withdraw all recognition from said organization as the representative of its employees for purposes

of collective bargaining and (b) to post notices stating that such organization is so disestablished and that respondents will refrain from any such recognition thereof.

STATUTE INVOLVED

The statute involved is the National Labor Relations Act (Act of July 5, 1935, c. 372, 49 Stat. 449, U. S. C., Sup. II, Title 29, Sec. 151 *et seq.*). The pertinent provisions are as follows:

> SEC. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.
>
> SEC. 8. It shall be an unfair labor practice for an employer—
>
> (1) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7.
>
> (2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: * * *
>
> (3) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: * * *
>
> * * * * *

SEC. 10. (c) The testimony taken by such member, agent or agency or the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument. If upon all the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this Act. * * *

STATEMENT

Upon a charge filed by Local Division No. 1063, Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, a labor organization, the National Labor Relations Board—pursuant to Section 10 (b) of the National Labor Relations Act—on October 9, 1935, issued and served upon respondents a complaint and notice of hearing (R. 3–10). The complaint alleged that respondents had engaged in certain unfair labor practices affecting interstate commerce, contrary to the provisions of Section 8, subdi-

visions (1), (2), and (3) of the Act. Hearing was held before the Board from October 22 to October 26, 1935. Thereafter, on December 7, 1935, the Board issued its findings of fact and order (R. 16–58).

The Board found, in substance, that respondents operated a motor bus transportation system in interstate commerce (R. 53–4); that respondents, contrary to Section 8 (3) of the Act, had discharged five employees for the reason that they had joined and assisted Division No. 1063 of the Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America (R. 54); and that respondents, by threatening employees with discharge for joining said organization, by maintaining surveillance over their activities in connection therewith, and by other means, had interfered with, restrained and coerced their employees in exercise of the rights guaranteed by Section 7 of the Act, contrary to Section 8 (1) of the Act (R. 55). In addition the Board found that respondents in the fall of 1933 had instituted, formed, and sponsored a labor organization of their employees known as the Employees Association of the Pennsylvania Greyhound Lines, Inc. (R. 55); and that respondents were dominating and interfering in various ways with the administration of this organization and were contributing financial and other support

to it, contrary to Section 8 (2) of the Act (R. 55–6).[1]

Upon the basis of these findings the Board ordered respondents to cease and desist (1) from

[1] The finding of the Board which summarizes respondents' relations to the Employees Association is as follows:

"The respondents, principally the Pennsylvania Greyhound Lines, Inc., by their officers and agents, while engaged in the operations described above, are dominating and interfering with the administration of a labor organization of their employees, including the maintenance employees at the Pittsburgh garage and the employees of the Pennsylvania Greyhound System, known as the Employees Association of the Pennsylvania Greyhound Lines, Inc., by arranging, supervising and conducting the elections of the employee representatives, held on company time and on company property; controlling the meetings of the employee representatives with the management representatives in such a fashion as to make such meetings no more than the presentation of grievances to an official of the management and so as to prevent them from being a forum for collective bargaining and genuine employer-employee discussions; controlling the type of matter which may be discussed by the employee representatives with the management representatives through a system of 'Joint Submissions' which requires the consent of an official of the respondents before a matter may be submitted for such joint discussion; making any change in the form, purpose or activities of the Employees Association dependent upon the approval of the respondents through a provision in the By-Laws of the Association requiring a two-thirds vote of an equal number of management and employee representatives for any change in the By-Laws; and by the activities enumerated hereafter; and are contributing financial and other support to such labor organization by paying the employee representatives for any time lost by reason of their activities as such respresentatives and for their expenses and transportation while so engaged; supplying stenographic services, election material and forms; and by defraying all of the expenses of the Employees Association" (R. 55–6).

interfering with, restraining, or coercing their employees in the exercise of their rights to self-organization and collective bargaining; (2) from discouraging membership in Division No. 1063 or any other labor organization by discrimination in regard to hire, tenure or terms of employment; and (3) from dominating or interfering with the administration of the Employees Association, and from contributing financial or other support to that Association or to any other labor organization (R. 57–8). In addition, paragraph (4) of the Board's order required respondents to offer reinstatement with back pay to the five employees unlawfully discharged, and further required that respondents (R. 58):

> (c) Withdraw all recognition from the Employees Association of the Pennsylvania Greyhound Lines, Inc., as representative of their employees, including the employees of the Pennsylvania Greyhound System, for the purpose of dealing with respondents concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;
>
> (d) Post notices in conspicuous places in all of the places of business wherein their employees, including employees of the Pennsylvania Greyhound System, are engaged, stating that said Association is so disestablished and that respondents will refrain from any such recognition thereof. (R. 58).

Finally, the Board dismissed the complaint with respect to four employees alleged to have been unlawfully discharged (R. 58).

In December, 1935, the Board, pursuant to Section 10 (e) of the Act, petitioned the Circuit Court of Appeals for the Third Circuit for enforcement of the foregoing order. On June 15, 1937, the Circuit Court entered its judgment enforcing the order in part but declining to approve subdivisions (c) and (d) of paragraph (4) (quoted above) on the ground "there is no warrant in the Act for such action." Judge Biggs dissented from the refusal of the majority to enforce these provisions of the order.

SPECIFICATION OF ERRORS TO BE URGED

The Circuit Court of Appeals erred:

(1) In holding that subdivisions (c) and (d) of paragraph (4) of the Board's order are not warranted by Section 10 (c) of the Act.

(2) In refusing to enforce and in setting aside subdivisions (c) and (d) of paragraph (4) of the Board's order.

REASONS FOR GRANTING THE WRIT

I. The decision of the Circuit Court of Appeals is untenable and is in conflict with the decisions of this Court in *Texas & New Orleans R. Co.* v. *Brotherhood of Railway Clerks,* 281 U. S. 548, and *Virginian Railway Co.* v. *System Federation No. 40,* 300 U. S. 515.

(1) An order issued by the National Labor Relations Board against a person found to have engaged or to be engaging in unfair labor practices is not limited by the Act to requiring that person to "cease and desist" from such practices. The Board is expressly authorized to require further that such person "*take such affirmative action,* including reinstatement of employees with or without back pay, *as will effectuate the policies of this Act*" (Sec. 10 (c)). The purpose of Congress in conferring this affirmative power upon the Board is plain. The Act contains no criminal or other penalty for those guilty of unfair labor practices. If the Board's authority, upon determining that unfair labor practices had been committed, were limited to prohibiting their continuance or recurrence in the future, the effectiveness of the Act in prevention of such practices or in alleviation of their effects would be gravely curtailed. Consequently it was deemed essential that the Board likewise be empowered to require such reasonable affirmative action as would tend to restore the status quo, afford remedial relief to the employees whose rights had been prejudiced, or otherwise carry out the purposes of the Act.

In the present case the Board found, and the Circuit Court does not question the finding, that respondents had "instituted, formed and sponsored" the Employees Association, were "dominating and interfering with the administration" of

the Association, and were "contributing financial and other support" to it (R. 55–6). These activities are patent unfair labor practices and the Board under the Act could not only order respondents to cease and desist in the future but could require them to take such reasonable action as would dispel the effects of the violations. Pursuant to this express power the Board ordered respondents to "withdraw recognition from the Employees Association * * * as representative of their employees" for purposes of collective bargaining, and to post notices that the Employees Association was "so disestablished and that respondents will refrain from any recognition thereof" (R. 58).

By this provision respondents are merely required to cease dealing with the Association as the bargaining representative of their employees, and to notify their employees to that effect.[2] The provision does not direct the dissolution of the Association—whatever the likelihood that the cessation of respondents' domination and support will re-

[2] Judge Dickinson, in a concurring opinion, interprets this provision of the Board's order as a "condemnation of a union limited in membership to the employees of any particular employer" (R. —). Neither this provision nor any other provision of the Board's order is subject to such construction. The order requires respondents to withdraw recognition from the Employees Association not because the Association is limited in membership to respondents' employees but because it is dominated by respondents. The same ruling would, of course, have been made if the organization dominated by respondents had had a national membership.

sult in its collapse. Nor does it prevent the Association from establishing in the future, by appropriate showing before the Board, that it has become the free and uncoerced choice of respondents' employees.

Respondents, if permitted to continue to treat with the Employees Association as the bargaining representative of their employees, would be enabled to perpetuate the effects of their previous unlawful interference and effectively to discourage the growth of any genuine collective bargaining. An organization formed at the instigation of the employer, dominated by it and dependent upon it throughout its existence, cannot suddenly be transformed into a free and independent agency, representative of the employees' will, merely by withdrawal of the formal support of the employer. The basic structure of the Employees Association, its policies, its leading personnel, above all the attitude of the employees toward it, have all been decisively shaped by respondents' unfair labor practices. Disestablishment of the Association as the employees' representative is the only effective means of wiping out the effects of those unfair practices and assuring that full freedom in the choice of representatives which it is the object of the Act to secure.

These reasons for the remedial provisions of the Board's order were well expressed in the language of the Board's decision (R. 27):

> The participation of the respondents in the Association—their domination, interfer-

ence and support—are unfair labor practices proscribed by Section 8, subdivision (2). There can be but one way of remedying the unlawful conduct in this case and that is a complete withdrawal of all recognition from the Association as representative of the employees, in addition to the order requiring cessation of such domination, interference and support. The control of the management so permeates every aspect of its operations that the Association and the management cannot be regarded as separate entities so as to require only the cessation of the latter's domination, interference and support. The management's manipulation of the Association to prevent genuine employee organization can be offset only by such complete withdrawal of recognition. Since merely to order a cessation of the unfair practices prohibited by Section 8, subdivision (2) will be ineffective to remedy the result of those practices, such affirmative withdrawal of recognition from the Association as an organization representative of the employees in their relations with the management is necessary to effectuate the policies of the National Labor Relations Act.

(2) In light of the foregoing considerations the validity of the Board's order is plain on the face of the Act. It so happens, however, that the legislative history of the Act furnishes conclusive evidence of the express intent of Congress to confer upon the Board the precise power exercised in this case. The Report of the House Committee on

Labor, speaking of the unfair labor practices prohibited by Section 8 (2), declared:

> Collective bargaining is reduced to a sham when the employer sits on both sides of the table by supporting a particular organization with which he deals * * *. (Report No. 972, 74th Cong., 1st Sess., p. 16.)

Thereafter the Report, explaining the purpose of the provision in Section 10 (c) giving the Board power to require affirmative action, expressly states:

> The orders will of course be adapted to the needs of the individual case; they may include such matters as refraining from collective bargaining with a minority group, recognition of the agency chosen by the majority for the purposes of collective bargaining, posting of appropriate bulletins, *refraining from bargaining with an organization corrupted by unfair labor practices.* [*Ibid.*, p. 21; italics supplied.]

(3) Further, the same action taken by the Board in the case at bar was upheld by this Court under almost identical circumstances in *Texas & New Orleans R. Co.* v. *Brotherhood of Railway Clerks,* 281 U. S. 548. The decision of the court below is squarely in conflict with this case.

In the *Texas & New Orleans* case, it will be recalled, the railroad had instituted and dominated an organization of its employees, known as the Association of Clerical Employees—Southern Pacific Lines, contrary to Section 2 (3) of the Railway

Labor Act of 1926, which prohibited "interference, influence, or coercion" by the railroad in the free choice of representatives by its employees. Upon suit brought by the Brotherhood, the District Court entered a temporary injunction, following closely the language of the Act. When the railroad persisted in its previous conduct, the District Court directed that "a remedial order should be entered, *completely disestablishing the Association of Clerical Employees,* as now constituted through the action of the defendant [railroad], *as representative of their fellows,* and re-establishing the Brotherhood as such representative, until by proper ballot the employees, without dictation or interference, vote otherwise [24 F. (2d) 426, 434; see 281 U. S. at 557; italics supplied]. This Court upheld the order of the District Court as "the proper enforcement of the provision of the Railway Labor Act" (281 U. S. at 571).

It is immaterial that the order in the *Texas & New Orleans* case was made in connection with contempt proceedings. Speaking of a provision in the same order directing the railroad to reinstate with back pay certain employees discharged in violation of the Railway Labor Act, this Court said in *National Labor Relations Board* v. *Jones & Laughlin Steel Corp.*, 301 U. S. 1, at p. 48:

> The requirement of restoration to service, of employees discharged in violation of the provisions of (the Railway Labor) Act, was thus a sanction imposed in enforcement of a

judicial decree. We do not doubt that Congress could impose a like sanction for the enforcement of its valid regulation. The fact that in the one case it was a judicial sanction, and in the other a legislative one, is not an essential difference in determining its propriety.[8]

Again, in *Virginian Railway Co.* v. *System Federation No. 40,* 300 U. S. 515, the Court upheld an order of the District Court under the Railway Labor Act which restrained the railroad from dealing with any organization other than the Federation, thus prohibiting the railroad from recognizing as the representative of its employees an employees' association which it had fostered and whose administration it dominated.

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[8] The ruling in the *Texas & New Orleans* case is particularly significant because it is clear from the legislative history of the National Labor Relations Act that Congress used the proceedings in that case as precedent for the authority conferred upon the Board to deal with unfair labor practices (see Report of Senate Committee on Education and Labor, No. 573, 74th Cong., 1st Sess., pp. 9, 17; Report of House Committee on Labor, No. 972, 74th Cong., 1st Sess., p. 16). Other precedent existed in the rulings of the first National Labor Relations Board (created under Public Resolution No. 44, 73d Cong., 2d Sess.) and the Petroleum Labor Policy Board, interpreting almost identical statutory language in Section 7 (a) of the National Industrial Recovery Act (see *e. g. In the Matter of Ely & Walker Dry Goods Company and Wholesale House Workers Union, Local No. 18316,* decided Sept. 25, 1934; *In the Matter of International Association of Oil Field, Gas Well and Refinery Workers of America, Local No. 217, and the Texas Company,* decided Dec. 11, 1934).

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(4) In partial elaboration of his general statement that no warrant existed in the Act for that part of the Board's order here in question, Judge Buffington gave as reasons for the position of the majority the fact that (a) "no election has been held"; (b) "the union enjoined has not been notified or heard" (R.—). Neither reason is sound.

(a) The absence of an election is immaterial. The argument of the majority in the court below misconceives the purpose of the proceedings in this case. No question of determining what representative, if any, had been selected by respondents' employees, and no question of requiring respondents to bargain with that representative, was involved in the proceedings. Section 8 (5) was not invoked by the Board and the Board's order did not compel respondents to deal with Division No. 1063 or any other labor organization. The sole purpose of the proceedings was to establish the rights of respondents' employees to freedom in self-organization and choice of representatives. The provisions in question were designed solely to restore conditions to a point where a real choice of representatives could be made. It was entirely preliminary to any issue of an election or of collective bargaining as contemplated by the Act.

Again the *Texas & New Orleans* case sets the precedent for the Board's action. The disestablishment of the company-dominated employees'

association in that case, as the District Court's order expressly stated, was required prior to any election for the purpose of choosing representatives (see 24 F. (2d) 426, 434).

(b) Nor is the argument that "the union enjoined has not been notified or heard" entitled to weight.[4] Here again the court below wholly misconstrues the proceedings before the Board. If it were true that the Employees Association was "enjoined" by the Board's order it will be readily conceded that the Association would have been an indispensable party and should have been joined. But the Board's order is not addressed to the Employees Association, it imposes no obligation upon the Association, and the Association is not bound by it in any way. The order is directed solely against respondents and restrains their conduct only. The Association is consequently not an indispensable party.

Although it is obvious that many proceedings of the Board will affect one or more labor organizations, the Act merely requires that notice and opportunity to be heard be given to the person charged with having committed the unfair labor practice (Sec. 10 (b)). Others may, in the discre-

[4] Respondents' control over the Association so permeated every aspect of its operations that the Association, as the Board found, was not in fact a separate entity (R. 27). Notice to respondents was thus in any event notice to the Association.

tion of the Board, intervene (Sec. 10 (b); Rules and Regulations of the Board, Series I, Art. II, Sec. 19), but plainly the Act imposes no requirement that the Board, upon its own motion, join them as parties to the proceeding. The Association did not attempt to exercise its privilege of intervention, although public hearings were held, and it is impossible to believe that respondents' employees—certainly those interested in respondents' employment relations—did not have actual knowledge of them. Nor did the Association, after the Board's decision was made public, petition the Circuit Court of Appeals for review, under Section 10 (f) of the Act, as a person aggrieved by the Board's order.

Moreover, respondents have no standing to raise this issue. In the first place, respondents did not urge the objection before the Board and therefore, under the express terms of the Act (Sec. 10 (e)), cannot raise it now. In the second place, respondents can complain only of the infringement of their own rights, not those of their employees (*Virginian Railway Co.* v. *System Federation No. 40*, 300 U. S. 515, 558).

Finally, neither in the *Texas & New Orleans* case nor in the *Virginian* case was formal notice of any sort given to the employee associations there involved; nor were they parties to the proceedings.

II. The question presented is of great public importance.

The provisions of Section 8 (2), in which Congress deals with unfair labor practices involving company-dominated unions, are of vital importance in the successful operation of the Act. Controversies over these issues were a primary or attendant cause of industrial strife in about 30 per cent of the cases heard by the first National Labor Relations Board (Report of House Committee on Labor, No. 972, 74th Cong., 1st sess., p. 15). And out of 865 charges of unfair labor practices filed with the present Board during the first ten months of its existence, 197, or nearly 25 per cent, involved the issue of company domination of labor organizations (First Annual Report of the National Labor Relations Board (1936), p. 34).

In dealing with this question the Board has repeatedly ruled, as in the case at bar, that the employer found to have instituted or to be dominating a labor organization must withdraw recognition from such organization.[5] In doing so the Board has followed the precedent of this Court in interpreting the Railway Labor Act, and of the first National Labor Relations Board and the Petroleum Labor Policy Board in interpreting Section 7 (a) of the National Industrial Recovery Act (see cases cited *supra,* note 3). The decision of the court below thus sets aside, almost without consideration, a

[5] In addition to the instant case the Board had, up to September 1, 1937, made the same ruling in 21 other cases.

consistent practice adopted by successive administrative boards dealing with labor problems and sanctioned by this Court.

The extent to which the ruling of the Circuit Court impairs the efforts of Congress to deal with the issue of company domination over labor organizations has already been indicated. The court below would permit the Board to order such an employer to cease interference. But this is not enough. The damage has already been done; the organization which has been fostered and controlled by the employer remains established in a preferential position as bargaining representative, and inevitably the influence of the employer persists. Yet the Board is shorn of power to take the necessary measures to restore the conditions essential to a free choice of representatives and to the normal development of collective bargaining relations as contemplated by the Act.

The result is bound to be a perpetuation of the friction, general unrest, and actual strife, with the ensuing obstructions to interstate commerce, which, as experience has shown, interference with the free choice of representatives inevitably produces. Unless the Board is permitted to exercise the power—plainly intended by Congress—to wipe clean all traces of company domination, and to lay a new foundation for healthy labor relations, the purposes and policies of Section 8 (2) are frustrated.

CONCLUSION

Wherefore, it is respectfully submitted that this petition for a writ of certiorari to review the judgment of the Circuit Court of Appeals for the Third Circuit should be granted.

STANLEY REED,
Solicitor General.

CHARLES FAHY,
General Counsel,
National Labor Relations Board.

SEPTEMBER 1937.

APPENDIX

ORDER

On the basis of the findings of fact and conclusions of law, and pursuant to Section 10, Subdivision (c) of the National Labor Relations Act, the National Labor Relations Board hereby orders that the respondents, Pennsylvania Greyhound Lines, Inc., and Greyhound Management Company, and their officers and agents, shall:

1. Cease and desist from in any manner interfering with, restraining, or coercing their employees, including the employees of the Pennsylvania Greyhound System, in the exercise of their rights to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, as guaranteed in Section 7 of the National Labor Relations Act;

2. Cease and desist from discouraging membership in Division No. 1063 of the Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, or any other labor organization of their employees, including the employees of the Pennsylvania Greyhound System, by discrimination in regard to hire or tenure of employment or any term or condition of employment;

3. Cease and desist from in any manner domi-

nating or interfering with the administration of the Employees Association of the Pennsylvania Greyhound Lines, Inc., or any other labor organization of their employees, including the employees of the Pennsylvania Greyhound System, and from contributing financial or other support to the Employees Association of the Pennsylvania Greyhound Lines, Inc., or to any other labor organization of their employees, including the employees of the Pennsylvania Greyhound System, except that nothing in this paragraph shall prohibit the respondents from permitting their employees to confer with them during working hours without loss of time or pay;

4. Take the following affirmative action, which the Board finds will effectuate the policies of the Act:

(*a*) Offer to Chester Lehman, Albert McKelvey, Stephen Mitchell, Lester Moberley, and John Rihr immediate and full reinstatement, respectively, to their former positions, without prejudice to their seniority or other rights and privileges previously enjoyed;

(*b*) Make whole said Chester Lehman, Albert McKelvey, Stephen Mitchell, Lester Moberley, and John Rihr for any losses of pay they have suffered by reason of their discharge by payment, respectively, of a sum of money equal to that which each would normally have earned as wages during the period from the date of his discharge to the date of such offer of reinstatement, computed at the wage rate stated in the findings of fact as the rate each was paid at the time of discharge, less the amount which each earned subsequent to discharge as shown in the findings of fact;

(*c*) Withdraw all recognition from the Employees Association of the Pennsylvania Greyhound Lines, Inc., as representative of their employees, including the employees of the Pennsylvania Greyhound System, for the purpose of dealing with respondents concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;

(*d*) Post notices in conspicuous places in all of the places of business wherein their employees, including employees of the Pennsylvania Greyhound System, are engaged, stating that said Association is so disestablished and that respondents will refrain from any such recognition thereof;

And it is further ordered that,

5. The complaint be, and it hereby is, dismissed with respect to the discharges of Albert Burns, Emil Law, Erwin D. Matthews, and Robert Maxwell.

Signed at Washington, D. C., this seventh day of December, 1935.

[SEAL]

(s) J. WARREN MADDEN, *Chairman,*
(s) JNO. M. CARMODY, *Member,*
(s) EDWIN S. SMITH, *Member,*
National Labor Relations Board.

U. S. GOVERNMENT PRINTING OFFICE: 1937